SASKATCHEWAN

CRIMINAL INJURIES

COMPENSATION BOARD

FISCAL YEAR END REPORT

1989 - 1990

91-03153/

TABLE OF CONTENTS

Statement of Priniciples for Victims of Crime 1

Program Description 2
- Legislation 2
- Amount of Compensation 2
- Time Limitation for Applying 2
- Deductible Amounts 2
- Compensation Categories 2
- Emergency Funding 3
- Recovery of Awards 3
- Schedule to the Act 4
- Hearings 5
- Funding 5
- Compensation of Awards 6
- Reduced or Denied Claims 6
- Public Awareness 7

Statistical Summaries 8
- Total Amounts Paid Out 9
- Consolidated Summary of Awards 9
- Applications Received 10
- Offenders Charged 10
- Ages of Victims 10
- Crimes Involved on Awards Granted 11
- Applications by Area 13

Illustrations of Decisions Made on Claims..... 14
- Example of Award 14
- Example of Supplementary Award 15
- Example of Award Where Compensation was Paid to a Trustee..... 16
- Example of Award Where Child was Born as the Result of a Sexual Assault 17
- Example of Award of a Victim of Sexual Assault 18
- Example of a Death Benefit Award 20
- Example of Award with Pecuniary Loss to the Spouse of a Deceased Victim..... 21
- Example of Award Where the Offender is Related to the Victim 22
- Examples of Disallowed Claims 24
- Summaries of Awards Granted 27

STATEMENT OF PRINCIPLES FOR VICTIMS OF CRIME

Victims should be treated with courtesy, compassion and with respect for their dignity and privacy and should suffer the minimum of necessary inconvenience from their involvement with the criminal justice system.

Victims should receive, through formal and informal procedures, prompt and fair redress for the harm which they have suffered.

Information regarding remedies and the mechanisms to obtain them should be made available to the victims.

Information should be made available to the victims about their participation in criminal proceedings and the scheduling, progress and ultimate disposition of the proceedings.

The views and concerns of victims should be ascertained and the appropriate assistance provided throughout the criminal process.

Where the personal interests of the victim are affected, the views or concerns of the victims should be brought to the attention of the court, where appropriate and consistent with criminal law and procedure.

Measures should be taken when necessary to ensure the safety of victims and their families and to protect them from intimidation and retaliation.

Enhanced training should be made available to sensitize criminal justice personnel to the needs and concerns of victims and guidelines developed, where appropriate for this purpose.

Victims should be informed of the availability of health and social services and other relevant assistance so that they might continue to receive the necessary medical, psychological and social assistance through existing programs and services.

Victims should report the crime and cooperate with law enforcement authorities.

Note: Canada adopted these principles at a special meeting of Ministers Responsible for Criminal Justice in Saskatoon on March 17, 1988.

PROGRAM DESCRIPTION

LEGISLATION

The legislation under which the Board functions is The Criminal Injuries Compensation Act, Chapter 47 which came into force on September 1, 1967. The Criminal Injuries Compensation Regulations came into effect on January 1, 1990. The purpose of the program is to alleviate the financial hardships suffered by victims of violent crimes in Saskatchewan. Surviving dependents of victims of crime and persons responsible for the maintenance of the victim, may also be eligible to apply for compensation.

AMOUNT OF COMPENSATION

The maximum amount of compensation that may be awarded by the Board in respect to any one case before it is $10,000.00. Any Award that exceeds $10,000.00 must have approval of the Lieutenant Governor in Council. The minimum payment of an Award is not to be less that $50.00 and there is no upper limit for compensation in Saskatchewan.

TIME LIMITATION FOR APPLYING FOR COMPENSATION

Section 12 of the Act prescribes a one year time limitation period from the date of injury/death for filing an application for compensation; however, the Board may extend the time in which to apply for compensation if adequate justification is provided.

DEDUCTIBLE AMOUNTS

Any amount received or to be received by the victim is deducted up to the total amount that is awarded as compensation. Therefore, if the amount received or recovered from the offender or other sources exceeds that which the Board would recommend, nothing would be paid as compensation.

COMPENSABLE CATEGORIES

Compensation may be awarded by the Board in respect to the following matters:

(a) Expenses actually and reasonably incurred as a result of the victim's injury or death and any other expenses that, in the

opinion of the Board is reasonable to incur;

(b) Pecuniary loss to the victim resulting from the total or partial incapacity of the victim to work;

(c) Pecuniary loss to dependents as the result of the victim's death;

(d) Other pecuniary loss resulting from the victim's injury;

(e) Pain and suffering of the victim.

(f) The legal fees or disbursements actually and reasonably incurred by the victim or dependent, as the case may be.

No compensation is made for property damage other than personal items such as eyeglasses, dentures, hearing aids and other prosthesis.

EMERGENCY FUNDING

Where an applicant has applied to the Board for compensation and the Board has not concluded its hearing with the applicant, the Board may make an interim payment to cover the cost of the applicant's maintenance and medical expenses.

RECOVERY OF AWARDS

32(1) **Where compensation has been awarded pursuant to this Act to a person injured or to a dependent of a person killed, the Board, on assuming liability for payment of that compensation, is deemed to be an assignee and is subrogated to all rights of recovery of the person to or with respect to whom or for whose benefit the payment of compensation is assumed to the extent of the compensation payable.**

The Board recovered a total of $10,717.13 during the 1989-90 Fiscal Year.

SCHEDULE TO THE ACT

The list of offences included in the Schedule to the Act is as follows:

SECTION OF THE CRIMINAL CODE	OFFENCE
65	Taking part in a riot.
76	Hijacking an aircraft.
77	Endangering safety of aircraft.
78	Taking on board civilian aircraft offensive weapons or explosives.
80	Failure to take reasonable care with respect to explosives (where death or bodily harm results).
81	Causing injury with intent by explosive substance.
86	Dangerous use of firearms.
151	Sexual interference.
152	Invitation to sexual touching.
153	Sexual exploitation.
155	Incest.
170	Parent or guardian procuring sexual activity.
173	Exposure.
180	Common Nuisance causing harm.
215	Failure to provide necessaries for preservation of life.
218	Abandoning child.
220	Causing death by criminal negligence.
221	Causing bodily harm by criminal negligence.
235	Murder.
236	Manslaughter.
239	Attempted murder.
244	Causing bodily harm with intent.
245	Administering noxious substances (poison).
246	Overcoming resistance to commission of an offence.
247	Setting traps likely to cause death or harm.
248	Interfering with transportation facilities.
249(1)(b)	Dangerous operation of a vessel or towed object.
262	Impeding an attempt to save life.
266	Assault.
267	Assault causing bodily harm.

268	Aggravated assault.
269	Unlawfully causing bodily harm.
269.1	Torture.
270	Assaulting a peace officer.
271	Sexual assault.
272	Sexual assault with a weapon, threats to a third party or causing bodily harm.
273	Aggravated sexual assault.
279	Kidnapping.
279.1	Hostage taking.
280	Abduction of a person under 16.
281	Abduction of a person under 14.
343, 344	Robbery.
423	Intimidation by violence.
430(2)	Mischief causing actual danger to life.
433	Arson.
436	Causing fire resulting in loss of life.
437	False fire alarm.

The Board is required by the Act to find the commission of a crime in the applications coming before it. A basic qualification for the consideration of an Award is that there must be adequate and reliable evidence in this regard.

HEARINGS

The three members of the Board, who participate on a part-time basis, usually sit on a weekly schedule. Hearings take place in Saskatoon, Regina and Prince Albert. Some applications which are relatively minor and simple to adjudicate are dealt with on documentary evidence alone with the consent of the applicant. This minimizes the need to inconvenience the applicant and/or solicitor and witnesses, insofar as, travelling to the hearings, the applicant's loss of work time and expenses involved.

FUNDING

Awards made under the Criminal Injuries Compensation Act are cost-shared between the Federal Government and the Government of Saskatchewan. In 1988 Bill C-89 was passed, increasing the amount of funding the Federal Government cost-shares with the Province. This Bill increased the Federal contribution from 10 cents per capita to 25 cents per capita of the population of Saskatchewan or 50 percent of the total amount of the Awards, whichever is the

lesser.

COMPENSATION OF AWARDS

The Act provides that the Board has exclusive jurisdiction to determine whether any person is entitled to compensation as well as the amount of the Award. Compensation may be awarded in the form of a lump sum payment and/or periodic Awards.

The majority of the Awards are made in the form of a lump sum payment, with these Awards on the average being approximately $2,490.60.

	1989-90	1988-89	1987-88
Lump Sum Awards	210	221	182
Periodic Awards	8	5	5
Totals	218	226	187

REDUCED OR DENIED CLAIMS

The Board may recommend that compensation may be reduced or denied due to the victim's culpability or by non co-operation with the law enforcement authorities pursuant to the following Sections:

11. The Board in making an order under Section 10, shall consider and take into account all such circumstances as it considers relevant to the making of the order and, without limiting the generality of the foregoing, the Board shall consider and take into account:

(a) any behaviour that directly or indirectly contributed to the injury or death of the victim;

(b) the financial need of the person who was injured or of the dependents of the victim.

12. (1) The Board shall not make an order for compensation under Section 10:

(a) where the application for compensation is made after the expiration of one year from the date of the injury or death, as the case may be.

(b) where the injury or death, as the case may be, and the act or omission or the event resulting in the injury or death are not reported within a reasonable time after the happening thereof to the proper law enforcement authority.

(c) where the injury or death of the person in respect of which compensation is claimed is the result of an act, omission or event that occurred prior to the first day of September, 1966.

(2) Notwithstanding clause (a) of subsection (1), the Board may, where it considers it to be advisable, extend the time for making an application for compensation under section 10.

(3) Where the Board is satisfied that an applicant has:

(a) refused reasonable co-operation with; or

(b) failed to report promptly the offence with respect to which the applicant is applying for compensation to:

a law enforcement agency, the Board may refuse to make an order for compensation under section 10.

PUBLIC AWARENESS

Efforts continue in an attempt to increase public awareness of the Act. The Board continues to make the public more aware of the compensation that may be available to the victims of crime. Thousands of brochures were forwarded to hospitals, peace officers, victim assistance agencies, sexual assault and crisis centres, ambulance drivers, band councils and rural municipalities. A selection of Board orders are provided to many news agencies for publication.

STATISTICAL SUMMARIES

	1989-90	1988-89	1987-88
Applications received*	280	255	242
Applications denied*	32	44	28
Decisions completed* (includes second hearings and re-applications)	218	226	187
Total Decisions Made	250	270	215
Lump Sum Payments	210	221	182
Periodic Awards (does not include ongoing payments on claims adjudicated in previous years)	8	5	5
Interim Awards	16	11	18
Reduced Awards	12	9	14
Supplementary Awards	44	45	34
Average Award (does not include periodic payments or denials with costs)	$2,490.60	$2,352.57	$2,021.51

*The number of cases denied and the number of Awards granted do not add to the number of applications received. Applications received in any given year are not necessarily processed during that same year. Similarly, cases dismissed or awarded may relate to applications received in earlier years. In addition, there may be more than one Award per application.

TOTAL AMOUNT PAID OUT

Total of Awards Granted	$566,084.34
Awards Carried Over From Previous Years	34,996.88
	$601,081.22
Less Recoveries	-10,717.13
Less Awards Carried Over to 1990-1991	-16,080.20
Less Error Award No. 2267	- 40.00
TOTAL	$574,243.89

CONSOLIDATED SUMMARY OF AWARDS

Medical expenses	$ 21,665.31	(3.83%)
Net Income Loss	48,465.16	(8.56%)
Pecuniary Loss	19,462.74	(3.44%)
Pain and Suffering	403,264.05	(71.24%)
Funeral Costs	6,344.69	(1.12%)
Other	49,898.05	(8.81%)
Counsel Fees	10,283.09	(1.82%)
Witness Fees/Reports	6,701.25	(1.18%)
TOTALS	$566,084.34	(100.00%)

APPLICATIONS RECEIVED	1989-90	1988-89	1987-88
Personal Injury Claims	269	243	229
Death Benefit Claims	11	12	13
Total Received	280	255	242

OFFENDERS CHARGED

Number of offenders charged according to orders where compensation was granted.	171 (78.44%)	187 (83.85%)	141 (75.40%)

AGES OF VICTIMS (BASED ON AWARDS GRANTED)

Ages	Males		Females		Totals	
1-10	3		25		28	(12.84%)
11-20	22		31		53	(24.31%)
21-30	41		25		66	(30.27%)
31-40	20		7		27	(12.39%)
41-50	9		10		19	(8.72%)
51-60	8		5		13	(5.96%)
61-70	4		4		8	(3.67%)
71-80	1		1		2	(.92%)
80+	1		1		2	(.92%)
TOTALS	109	(50.00%)	109	(50.00%)	218	(100.0%)

Oldest Victim	93
Youngest Victim	1

CRIMES INVOLVED ON AWARDS GRANTED

Crime and Criminal Code (New Code and Old Code)	1989-90	1988-89	1987-88
Assault, Assault with a weapon, Assault causing bodily harm 266/245 267.1/245.1 268/245.2	112 (51.38%)	151 (66.81%)	117 (62.57%)
Sexual assault, Aggravated sexual Assault 271/246.1 272/246.2	59 (27.06%)	32 (14.16%)	23 (12.30%)
Robbery 343/302 344/303	20 (9.17%)	13 (5.74%)	12 (6.41%)
Murder 235/218	7 (3.21%)	7 (3.09%)	7 (3.75%)
Sexual interference, Acts of gross indecency, Indecent assault 151/140,157,149	6 (2.75%)	2 (.90%)	0 (0.00%)
Attempted murder 239/222	5 (2.29%)	7 (3.09%)	8 (4.28%)
Criminal negligence 221/204	3 (1.38%)	0 (0.00%)	1 (.53%)
Bodily harm with intent 244/228	2 (.92%)	1 (.45%)	1 (.53%)
Manslaughter 236/217,219	1 (.46%)	1 (.45%)	5 (2.68%)
Assault peace officer 270/246(1)	1 (.46%)	2 (.90%)	5 (2.68%)
Unlawfully cause bodily harm 269/245.3	1 (.46%)	0 (0.00%)	0 (0.00%)
10(1)(b) Act	1 (.46%)	6 (2.65%)	2 (1.07%)

Kidnapping 279/247	0 (0.00%)	0 (0.00%)	2 (1.07%)
Dangerous driving 249/233	0 (0.00%)	4 (1.76%)	2 (1.07%)
Over .08 253/236	0 (0.00%)	0 (0.00%)	1 (.53%)
Impaired driving 255/237	0 (0.00%)	0 (0.00%)	1 (.53%)
TOTALS	218 (100%)	226 (100%)	187 (100%)

APPLICATIONS BY AREA

Alberta	3	Martinsville	1
Arcola	1	Meath Park	1
Beauval	2	Mervin	1
Biggar	1	Moose Jaw	9
Birch Hills	1	North Battleford	3
Blaine Lake	1	North West Territories	1
British Columbia	3	Outlook	1
Broadview	1	Patuanak	1
Buffalo Narrows	1	Payton	1
Carlyle	1	Pelly	1
Carrot River	1	Penn	1
Cumberland House	1	Perdue	2
Dorintosh	1	Pierceland	2
Esterhazy	1	Prince Albert	15
Estevan	1	Punnichy	4
Fort Qu'Appelle	2	Quinton	1
Garrick	1	Rabbit Lake	1
Glaslyn	1	Regina	64
Grayson	1	Saskatoon	109
Gurnsey	2	Shellbrook	4
Holbein	1	Sintaluta	2
Hudson Bay	1	Spruce Home	2
Humboldt	1	Stockholm	1
Kamsack	1	Swift Current	1
Kerrobert	1	Timber Bay	1
La Ronge	4	Tisdale	1
Leask	2	Waldheim	1
Love	1	Weyburn	1
Luseland	1	Wynyard	2
Manitoba	3	Yorkton	2

TOTAL APPLICATIONS 280

ILLUSTRATION NO. 1 **AWARD NO. 2174/89**

At the time of the incident the applicant was 57 years old and resided in Fort Qu'Appelle, Saskatchewan.

On December 19, 1988 at approximately 5:45 p.m., the applicant was approached by two males near the bus depot in Regina. One male grabbed the applicant's purse, causing her to fall to the ground, resulting in an injury to her left arm.

The applicant was taken to the hospital, where it was determined that she suffered from the following injuries:

-swelling and bruising to the left shoulder
-a comminuted fracture through the neck of the left humerus with slight avulsion of the left greater tuberosity.

The applicant was provided with a shoulder immobilizer and she was advised to apply ice packs to the shoulder. She was given some analgesics for pain and released from the hospital. On January 30, 1989, she was reviewed by her physician who indicated that the fracture had healed, but that the shoulder was quite stiff. She was prescribed physiotherapy treatments and given muscle relaxants. On May 17, 1989 she was admitted to the hospital and the shoulder was manipulated under anesthetic. She was released from the hospital and again undertook physiotherapy treatments. The applicant recovered from the injuries, but still complains of occasional pain in her left arm.

"L. K." was convicted of robbery, contrary to Section 343(b) of the Criminal Code of Canada (new Code) and was sentenced to nine months closed custody. "K. K." was also convicted of robbery and sentenced to seven months closed custody, one month open custody and 18 months probation.

This application is for pain and suffering, net income loss and miscellaneous expenses incurred.

The Board finds that the applicant is a victim of a crime within the meaning of the Act, and therefore makes the following Award:

TO: THE APPLICANT

For pain and suffering	**$2,250.00**
For net income loss	**750.00**
For travel expenses	**132.60**
For eyeglass repair	**35.00**
For shoulder mobilizer	**21.00**
For medication	**27.59**
For miscellaneous expenses	**26.00**
	$3,242.19

TO: ACCOUNT NO. 010 003 8050

For a medical report paid on behalf of the applicant $ 150.00

TOTAL AWARD $3,392.19

ILLUSTRATION NO. 2 AWARD NO. 2172/89

At the time of the incident the applicant was 33 years old and resided in Prince Albert, Saskatchewan.

This Award is supplementary to Award Number 1849/88 in which the applicant received an interim payment of $6,947.97 for pain and suffering, emotional trauma and miscellaneous expenses incurred as the result of an incident that occurred on July 8, 1987 in which the applicant was brutally attacked by a male wielding an axe.

Since the last hearing the applicant suffered two grand mal seizures and was hospitalized for short periods of time. The applicant's medication was increased and the seizures have not reoccurred. The vision in his left eye has improved, but he complains of occasional double vision. As the result of the attack the applicant required dental treatment, which treatment has been completed. Due to this attack, the applicant is left with a loss of right wrist flexion and extension and cannot properly operate his wheel chair. The applicant therefore purchased a motor to modify his wheelchair.

"T. R." has been charged with attempted murder, contrary to Section 222 of the Criminal Code of Canada. This matter is presently before the courts.

This application is for further pain and suffering, emotional trauma, and miscellaneous expenses incurred. The applicant received partial benefits from a dental plan.

Should the applicant require further surgery as a direct result of this incident, then the Board would be prepared to review this matter upon application. The Board further indicates that the applicant's claim for loss of value of his house, which he indicates cannot now be sold, is not considered because this type of loss in not contemplated by the Act.

The Board finds that the applicant is a victim of a crime within the meaning of the Act, and therefore makes the following supplementary Award:

TO: THE APPLICANT

For further pain and suffering and emotional trauma	$5,500.00
For dental treatment, less benefits received	803.30
For miscellaneous expenses incurred	1,900.00
TOTAL AWARD	$8,203.30

ILLUSTRATION NO. 3 **AWARD NO. 2222/89**

At the time of the incident the applicant was 55 years old and resided in North Battleford, Saskatchewan.

This application is made on behalf of the applicant's mentally and physically handicapped son, "R. L.", born May 16, 1966. On April 12, 1989 at approximately 5:30 p.m., the victim was walking home when he was approached by a male, unknown to him, who persuaded him to come to his apartment. About one hour later, this male accused the victim of taking his cassette tapes. The victim denied this, however the accused continued to threaten him. The victim became frightened and admitted to the theft even though he had not taken the tapes. The accused then grabbed the victim and assaulted him. The victim at no time attempted to fight back. The accused and the victim then left the apartment and walked into an alley where the accused again attacked the victim. The victim later walked to the police station and reported the incident.

The victim was taken to the hospital, where it was determined that he suffered from the following injuries:

-extensive bruising to the face, eyes, left ear and scalp area
-epistaxis
-abrasions to lower back and hip area
-abrasions to both knees
-bruising to the upper back.

The injuries were treated conservatively and he was discharged from the hospital. He returned later that evening because his condition worsened and was admitted to the hospital overnight for observation. He recovered from the physical injuries in approximately six weeks, but complains of occasional dizziness and continues to suffer severe emotional trauma.

"C. L." was convicted of assault causing bodily harm, contrary to Section 267 of the Criminal Code of Canada (new Code) and was sentenced to 30 days open custody and one year probation.

The Board finds that the applicant's son is a victim of a crime within the meaning of the Act and therefore makes the following Award:

TO:	THE APPLICANT, TRUSTEE FOR THE VICTIM	
	For pain and suffering and emotional trauma, the sum of $2,400.00 to be paid in monthly installments of $150.00, commencing October 1989.	$2,400.00
TO:	THE APPLICANT	
	Contribution towards travel and related expenses	$ 200.00
	Contribution towards damaged clothing	25.00
		$ 225.00
TO:	ACCOUNT NO. 010 003 8050	
	For medical reports paid on behalf of the applicant	$ 80.00
	TOTAL AWARD	$2,705.00

ILLUSTRATION NO. 4 AWARD NO. 2339/89

At the time of the incident the applicant was 38 years old and resided in "X", Saskatchewan.

This application is made on behalf of the applicant's daughter, "A. B.", (born in December 1974), who was sexually assaulted by a young male offender in July 1988. This matter was disclosed to the police authorities on May 9, 1989.

As the result of this incident the applicant's daughter became pregnant and a baby boy was born on April 26, 1989 by caesarean section. The infant required neonatal care and was transported by ambulance to the Regina General Hospital. The infant now resides with the applicant and his daughter. The victim suffered from emotional trauma and anxiety and received supportive counselling.

A male was convicted of sexual assault, contrary to Section 246.1 of the Criminal Code of Canada and was placed on probation for 18 months and ordered to perform 100 hours of community service.

This application is for pain and suffering, emotional trauma, and miscellaneous expenses incurred. The Board also recommends a contribution towards maintenance of the child. The applicant may re-apply for further child maintenance costs in January 1991 in light of the then circumstances.

The Board finds that the applicant's daughter is a victim of a crime within the meaning of the Act, namely sexual assault, contrary to Section 271 of the Criminal Code of Canada (new) and therefore makes the following Award:

TO: THE APPLICANT

For ambulance	$ 423.00
For medication	7.00
For telephone costs	9.00
For net income loss	137.10
Contribution towards travel and related expenses	904.87
	$1,480.97

TO: THE APPLICANT

For pecuniary loss, a contribution towards maintenance costs for the infant child, for the period of May 1, 1989 up to and including December 31, 1989 the sum of $875.00 (7 months x $125.00)	$ 875.00
For pecuniary loss, a contribution towards maintenance costs for the infant child, the sum of $1,500.00 to be paid in 12 monthly installments of $125.00, commencing January 1990.	$1,500.00

TO: THE VICTIM

For pain and suffering and emotional trauma, the sum of $6,000.00 to be placed in trust with the Saskatchewan Public Trustee until the child reaches the age of majority.	$6,000.00

TO: ACCOUNT NO. 010 003 8050

For medical reports paid on behalf of the applicant	$ 50.00
TOTAL AWARD	$9,905.97

ILLUSTRATION NO. 5 AWARD NO. 2158/89

At the time of disclosure to the police authorities, the applicant was 28 years old and resided in Saskatoon, Saskatchewan.

On August 11, 1987, the applicant disclosed to the police authorities that her daughter, "A. B.", (born in January 1976), had

been sexually assaulted by three males over a period of time.

The child was intermittently sexually assaulted by her three uncles over a period of approximately five years. She contracted pelvic inflammatory disease and required medical attention. As the result of these incidents, the child suffered severe emotional trauma and anxiety and undertook several sessions of counselling to help deal with these emotions.

"X." was convicted of sexual assault, contrary to Section 246.1 of the Criminal Code of Canada and was sentenced to 14 months in jail, followed by two years probation. "Y." was also convicted under Section 246.1 CCC and was sentenced to four months in closed custody, followed by 18 months probation. "Z." was charged under this Section and a Stay of Proceedings was entered into with the offender to undertake one year of counselling.

This application is for pain and suffering, emotional trauma, net income loss and miscellaneous expenses incurred. Should the child require further counselling as a direct result of these incidents, then the Board would be prepared to review this matter with respect to the cost of same, upon application.

The Board finds that the child is a victim of a crime within the meaning of the Act, and therefore makes the following Award:

TO: THE VICTIM

For pain and suffering and emotional trauma, the sum of $6,000.00 to be placed in trust with the Saskatchewan Public Trustee, until she reaches the age of majority	**$6,000.00**

TO: THE PARENTS OF THE VICTIM

Contribution towards net income loss, travel and other related expenses	**$1,050.00**
TOTAL AWARD	**$7,050.00**

ILLUSTRATION NO. 6 AWARD NO. 2336/89

At the time of disclosure the applicant was 19 years old and resided in Yorkton, Saskatchewan.

The applicant was sexually assaulted by his foster father over a period of time. These assaults commenced when the child was 12 years old, and resided in the Prince Albert area and continued for several years. This matter was disclosed to the police authorities on January 26, 1989.

As the result of these assaults, the applicant suffered from emotional trauma and anxiety for which he received supportive counselling after the disclosure.

"E. W." was convicted of two charges of indecent assault on a male and two charges of gross indecency, contrary to Section 156 and 157 of the Criminal Code of Canada, respectively and was sentenced to two years less one day in jail. This matter is presently under appeal.

This application is for pain and suffering, emotional trauma and miscellaneous expenses incurred. Should the applicant undergo further counselling as a direct result of these incidents, then the Board would be prepared to consider the cost of such counselling upon application.

The Board finds that the applicant is a victim of a crime within the meaning of the Act, namely sexual assault, contrary to Section 271 of the Criminal Code of Canada (new) and therefore makes the following Award:

TO: THE VICTIM

For pain and suffering and emotional trauma	**$5,000.00**
For net income loss to attend court proceedings	**1,062.46**
	$6,062.46

TO: "D. W."

For counselling services	**$ 150.00**
TOTAL AWARD	**$6,212.46**

ILLUSTRATION NO. 7 **AWARD NO. 2330/89**

At the time of the incident the applicant was 44 years old and resided in Prince Albert, Saskatchewan.

This application is made with respect to the death of the applicant's son, "M. L.", (born in February 1971), who was attending a party in Prince Albert on September 30, 1989, when an argument broke out between the victim and another male. When the victim turned to leave the premises this male struck the victim with a golf club. The victim was taken to the hospital and then transferred to the University Hospital in Saskatoon, where he expired on October 13, 1989.

"J. L." is charged with second degree murder, contrary to Section 235 of the Criminal Code of Canada. This matter is presently

before the courts.

This application is for funeral and related expenses.

The Board finds that the deceased is a victim of a crime within the meaning of the Act, and therefore makes the following Award:

TO: THE APPLICANT

Contribution towards funeral expenses	**$2,000.00**
Contribution towards monument	**500.00**
For minister	**100.00**
For miscellaneous expenses	**336.86**
For ambulance	**463.50**
Contribution towards travel expenses	**278.00**
TOTAL AWARD	**$3,678.36**

ILLUSTRATION NO. 8 AWARD NO. 2129/89

At the time of the victim's death, the applicant was 62 years old and resided in Wynyard, Saskatchewan.

This Award is supplementary to Awards Numbers 1931/88, 1736/87, 1492/86, 1400/85, 1221/84, 1039/83, 853/82, 770/81, 664/80, 634/80 and 132/71 in which the applicant's husband received a total of $93,874.60 for pain and suffering, net income loss and miscellaneous expenses incurred as a direct result of a shooting incident near Wynyard, Saskatchewan on June 23, 1969.

On July 27, 1988 the Board reviewed this matter and awarded the victim a supplementary periodic award in the amount of $8,433.46. The victim died on September 23, 1988 due to complications arising from the June 23, 1969 incident and the funds not paid from Award Number 1931/88 were frozen. Prior to the victim's death the amount of $4,058.50 was paid from this Award leaving a balance of $4,374.96 to be refunded to the Attorney General.

The Board reviewed this matter and determined that the applicant should be entitled to compensation at the rate of 2/3 of her husband's deemed net income, less benefits received until the victim would have reached the age of 65. It was determined that the applicant received monies from the Canada Pension Plan Death Benefits, National Life and Mutual Life Insurance in the total amount of $8,653.64.

She also receives a total monthly income of $1,099.89 from the CP Pension, Old Age Security and Canada Pension. The Board therefore recommends that the applicant receive the sum of $249.25 per month, retroactive to October 1988 and that the funds should be payable up to and including February 1990, when the deceased would have

reached the age of 65 years, for a total of $4,237.25. The Board also recommends that the applicant be reimbursed prescription costs that were incurred prior to her husband's death in the amount of $200.46.

The Board further determines that entitlement for funeral and related expenses is denied because the applicant received benefits from other sources to adequately cover these expenses. The Board will review the applicant's circumstances on or about February 1990 to determine whether there ought to be a variation in the order.

The Board finds that the deceased was a victim of a crime within the meaning of the Act, namely causing bodily harm with intent, contrary to Section 228 of the Criminal Code of Canada and therefore makes the following supplementary Award:

TO: THE APPLICANT

For medication costs less benefits received $ 200.46

TO: THE APPLICANT

For pecuniary loss, the sum of $4,237.25, to be paid in monthly installments of $249.25 for a period of 17 months, retroactive to October 1988. $4,237.25

TOTAL AWARD $4,437.71

ILLUSTRATION NO. 9 AWARD NO. 2296/89

At the time of the incident the applicant was 23 years old and resided in Moosomin, Saskatchewan.

On August 20, 1988 at approximately 7:30 a.m., the applicant's husband invited her to go out for breakfast. When she stepped into the vehicle, her husband lit a match and threw it into the car, which ignited the gasoline he had previously thrown inside the vehicle. The applicant became engulfed in flames and struggled to get out of the vehicle, but was prevented from leaving the car by her husband. When a neighbour ran to assist the applicant, her husband released her and then turned and jumped into the burning car, causing his death.

The applicant was rushed to the Moosomin Hospital and then transferred to the Regina General Hospital, where it was determined that she suffered from the following injuries:

-shock
-17% deep second to third degree burns to both hands and arms,

posterior neck, both shoulders, right side of face and scalp areas.

Due to the fact that the applicant was 20 weeks pregnant she was admitted to the Intensive Care Unit for close observation until her condition stabilized. She was then transferred to the Burn Unit. On September 2, 1988 she was taken to the operating room so that the burn on both hands and arms could be debrided and grafted. By September 19, the donor site and the graft had healed sufficiently that debridement and grafting to her posterior neck and both shoulders could be undertaken. Post-operatively she was started on intravenous feedings because she continued to lose weight in spite of her pregnancy. The applicant suffered severe nightmares and became extremely depressed. While in the hospital she received counselling to help her deal with these problems. She also received intensive physiotherapy, occupational therapy, and was fitted with compressive garments to the upper extremities to have the burn area scars controlled. She was discharged from the hospital on October 7, 1988, but received out-patient physiotherapy at the Moose Jaw Union Hospital because she was developing hypertrophy of the scar along her right posterior axilla which was interfering with the range of motion of her shoulder. Some evidence of hypertrophic scarring was noted on her facial area as well as some of the burn joints. Arrangements were made for the applicant to have a face mask measured and fitted to help control the hypertrophic scar. The applicant is also required to wear Jobst garments for both hands. A large area of her scalp is scarred and devoid of hair. The applicant will require a prolonged period of rehabilitation including physiotherapy and she will likely require release of contracture and further skin grafting. Her baby was born on January 17, 1989 without any complications.

This incident was promptly reported to the proper law enforcement authorities, but due to the fact that the offender committed suicide, no charges could be laid.

This application is for pain and suffering, emotional trauma and miscellaneous expenses incurred. The applicant's request for funeral and related expense are not considered because the deceased was the offender in this incident. The Board advises that the circumstances of the applicant will be further reviewed in approximately one years time. The Board requests receipts of additional documents relating to her expenses in order to verify the same.

The Board finds that the applicant is a victim of a crime within the meaning of the Act, namely attempted murder, contrary to Section 239 of the Criminal Code of Canada, (new Code), and therefore makes the following interim Award:

TO: THE APPLICANT

For pain and suffering and emotional trauma $9,400.00

TO:	**THE SOLICITOR**	
	Contribution towards counsel fees	**$ 450.00**
TO:	**ACCOUNT NO. 010 003 8050**	
	For medical reports paid on behalf of the applicant	**$ 59.00**
	TOTAL AWARD	**$9,909.00**

ILLUSTRATION NO. 10 **AWARD NO. 2328/89**

At the time of the incident the applicant was 68 years old and resided in Regina, Saskatchewan.

On August 14, 1988 at approximately 4:04 a.m., the police were dispatched to a residence in Regina, where they found the applicant who was suffering from stab wounds to the left side of his body.

The applicant was taken to the hospital, where it was determined that he suffered from the following injuries:

-1 cm. laceration to the left upper eyelid which penetrated the globe
-laceration to the left ear and to the scalp behind the left ear
-1 cm. superficial laceration to the lower right neck
-three avulsed teeth
-1 cm. superficial stab wound to the second intercostal space
-three stab wounds to the abdomen each measuring 1.5 cm.
-1.5 cm. laceration on the medial aspect of the left wrist
-1.8 cm. and a 1 cm. laceration to his left elbow
-stab wound to the left arm which lacerated the brachial artery.

The applicant was taken to the operating room where the brachial artery was repaired. A laparotomy was also performed which showed that one stab wound penetrated the peritoneum and the omentum. There was no injury to the surrounding bowel. The applicant was released from the hospital on August 22. The sutures in his arm were removed on August 25, 1988 and at that time he indicated that he had blurred vision with diplopia in his left eye, headaches, dizziness and leg spasms. The applicant moved to Ontario in November and in December he was examined by an ophthalmologist. A CAT scan was carried out which showed evidence of a left blowout fracture of the left orbit. Surgery may be required in the future to correct the double vision. At present he is wearing a patch over his left eye. The applicant is presently living in a nursing

home under level one care and complains of dizziness, numbness to the left cheek and lips, poor memory and poor balance when walking.

One offender was convicted of aggravated assault, contrary to Section 245.2 of the Criminal Code of Canada and was sentenced to six months in jail. The other offender was convicted of assault, contrary to Section 245 CCC and was fined $500.00.

This application is for pain and suffering and miscellaneous expenses incurred. The applicant indicated that his memory of the events surrounding the incident is non-existent. Investigation into this matter revealed that the applicant, who was involved in the drug trafficking trade, had previously given the accused female hash to sell on his behalf. Instead she used it herself. She then agreed to go to bed with him in payment for the $200.00 that she owed him. While they were in the act of undressing, the accused's common-law husband returned to the residence and commenced arguing with the applicant. This male struck the applicant in the face. He then demanded that the applicant leave the residence immediately. While the applicant was searching for his keys, this male grabbed a knife and slashed the tires on the applicant's vehicle. The applicant left the residence, followed by the female, who then stabbed him with a knife.

After careful consideration, the Board recommends denial of this application for compensation pursuant to Section 11(a) of the Act, which states:

> The Board, in making an order under Section 10, shall consider and take into account all such circumstances as it considers relevant to the making of the order and, without limiting the generality of the foregoing, the Board shall consider and take into account any behaviour that directly or indirectly contributed to the injury or death of the victim.

This application is therefore denied.

ILLUSTRATION NO. 11 **AWARD NO. 2237/89**

At the time of the incident the applicant was 49 years old and resided in Regina, Saskatchewan.

The applicant states that on October 2, 1988 at approximately 11:30 p.m., she was walking to her residence when she was assaulted by an unidentified person who struck her on the back of her head and shoulders.

The applicant complained of numerous injuries including cervical strain, migraine headaches, depression and "cracks and holes in her skull". She was examined by several physicians who determined she

was suffering from a degenerative disease of the lower cervical spine which is unrelated to this incident. On June 29, 1989 the applicant was seen by a physician who concluded that she suffered from bilateral internal derangements of the left and right temporomandibular joints. The suggested treatment for the TMJ pain involves the construction of a mandibular orthopedic repositioning appliance which would be worn for approximately 12-18 months. She would then require orthodontic treatment to regain an occlusion of the teeth.

This matter was not reported to the police authorities until May 3, 1989, making a complete investigation extremely difficult.

This application is for pain and suffering, emotional trauma, and miscellaneous expenses incurred. The applicant is presently receiving benefits from the Department of Social Services.

After careful consideration, the Board recommends denial of this application for compensation pursuant to Section 12(1)(b) of the Act, which states:

> The Board shall not make an order for compensation under Section 10 where the injury or death, as the case may be, and the act or omission or the event resulting in the injury or death are not reported within a reasonable time after the happening thereof to the proper law enforcement authority.

This application is therefore denied.

2135/89 The applicant, a 60 year old correctional officer, was assaulted by an inmate and suffered from tenderness to the right temporomandibular joint, chest wall, cervical muscle strain, a superficial laceration to the ear and intermittent headaches. He required physiotherapy treatments and has a 10% hearing loss in his right ear. The offender was convicted under 246(1) CCC and sentenced to two months in jail. **(pain and suffering $2,000.00) Award $2,385.72**

2139/89 The victim, a 15 year old female, was approached by a male posing as a photographer, who asked to take photos of her in the park. The victim accepted a ride home with him, was driven into the country and sexually molested. When she tried to escape this male attempted to strangle her. A passing motorist was able to assist the victim. She suffered from a swollen neck and bruises to both arms. She also experienced emotional trauma, anxiety and occasional nightmares. The offender was charged under section 246.1, 245 and 247(2) CCC. **(pain and suffering and emotional trauma $2,250.00) Award $2,367.50**

2141/90 The applicant, a 31 year old male, was attacked by a male who broke into his apartment. He suffered from bruising to the forehead and cheek, swollen upper lip, abrasions to nose and elbows and contusions to the scalp. The offender was convicted under section 306(1) CCC and sentenced to four months in jail. **(pain and suffering $650.00) Award $655.00**

2142/90 The applicant, a 41 year old female, met a male at a night club and agreed to attend to his residence where he indicated a party would be in progress. Once at the residence the applicant was beaten by this male with a tire iron and sexually assaulted. He then placed her in the trunk of his car and dropped her off in a ditch outside of the city. She suffered from lacerations to the scalp area, extensive swelling to the face, bruises to her neck, bite marks on the right breast and multiple scratches and bruises. The applicant also suffered from headaches, insomnia, nightmares and occasional dizziness and depression. The offender was convicted under sections 247(2) and 246.3 CCC and was sentenced to five years in jail. **(pain and suffering and emotional trauma $5,500.00) Award $6,195.40**

2146/90 The applicant, a 33 year old male, was assaulted in a licensed beverage room by a male wielding a beer bottle. The bottle broke on impact causing several lacerations to the applicant's forehead and nose. The lacerations required sutures. The offender was not apprehended. **(pain and suffering $1,050.00) Award $1,290.00**

2152/89 The applicant, a 22 year old male bouncer, observed a co-

worker being harassed by a group of males. When the applicant went to assist him, he was struck with a pool cue by one of these males. The applicant suffered from three fractured teeth, swollen lips and a bruised nose. The offender was convicted under section 245.1(1)(a) CCC and fined $1,000.00. Dental treatment was paid by the Workers' Compensation Board. **(pain and suffering $1,050.00) Award $1,050.00**

2154/90 The applicant, a 22 year old male inmate, was assaulted while incarcerated in a correctional institute. He suffered from a fractured mandible. He underwent surgery with plate fixation to correct the fracture. He is left with a malocclusion. The offender was convicted under section 245.2 CCC and sentenced to 45 days in jail. **(pain and suffering $2,000.00) Award $2,022.50**

2160/90 The applicant, a 63 year old female who resided in Yugoslavia, was visiting her relatives in Regina when a masked male barged into the apartment and demanded money. The applicant did not understand what he wanted and started to scream. This male then punched her on the head, causing her glasses to break and cut her above the right eye. She suffered from acute cervical strain, bruises and swelling to the right cheek area and a bruise to the right buttock. The offender was not apprehended. **(pain and suffering and emotional trauma $950.00) Award $996.00**

2165/90 The applicant, a 30 year old male, was walking down an alley when he was approached by three males who demanded his money. When the applicant refused, he was beaten by these males and thrown into a refuse container. The applicant regained consciousness later that day and was taken to the hospital. He suffered from a stab wound in the abdomen which lacerated the left hepatic vein and pericardium, contusion to lip and mandible and lacerations to the right leg. The applicant required surgery to repair the hepatic vein and pericardium. A portion of the liver was removed. He developed a left pleural effusion. The offenders were not identified. **(pain and suffering $2,500.00) Award $2,827.73**

2174/89 The applicant, a 57 year old female, was approached by two males at the bus depot. One male grabbed her purse, causing her to fall to the ground fracturing her left humerus. Her arm was placed in an immobilizer and she later required physiotherapy treatments. Her shoulder required manipulation under anesthetic. One of the offenders was convicted under section 343(b) CCC and was sentenced to nine months in jail. The other offender was also convicted of robbery and was sentenced to seven months closed custody. **(pain and suffering $2,250.00) Award $3,392.19**

2186/89 The applicant, an 88 year old male, answered his door and a male pushed his way into the residence, threw the applicant to the floor, kicked him several times and took his wallet. The applicant suffered from tenderness in the rib area and emotional trauma. The offender was not apprehended. **(pain and suffering and**

emotional trauma $650.00) Award $660.00

2198/89 The victim, a one year old infant, was taken from her bedroom by a male youth and sexually assaulted in a trailer. The child suffered from scratches to the face, lower lip and left arm, bite marks and perineal lacerations. The child required surgery to repair the lacerations and developed an infection. She also suffered from emotional trauma and exhibited some behavioural problems. The youth was charged under sections 250, 246.1 and 307(1) CCC, but due to the victim's tender age, these charges were not proceeded with. **(pain and suffering and emotional trauma $3,000.00) Award $3,200.00**

2202/89 The victim, a 12 year old female, was sexually molested by an unknown male at a resort. The child did not suffer from any physical injuries, but did suffer from emotional trauma. The offender was charged under section 246.1 CCC. **(pain and suffering $1,000.00) Award $1,458.35**

2209/89 The applicant, a 31 year old male, was assaulted by a male when he returned from a date with this male's estranged wife. This male assaulted the applicant causing a chip fracture through the nasal bone, abrasions and lacerations to the face, swollen upper lip and black eyes. The offender was convicted under section 245.1(1)(b) CCC and was sentenced to 30 days in jail. **(pain and suffering $1,350.00) Award $1,455.00**

2219/89 The applicant, a 26 year old female, was walking to a restaurant, when two males approached her, threatened her with a knife, ripped her clothing and dragged her down the alley. These males grabbed her purse and then left the scene. The applicant suffered from an abrasion to the forehead, cuts on her chest, a minor laceration on her stomach and emotional trauma. The offenders were not apprehended. **(pain and suffering and emotional trauma $1,200.00) Award $1,350.00**

2224/89 The applicant, a 77 year old female, was walking through a park when a male youth grabbed her purse causing her to fall to the ground. She suffered from a fractured clavicle, fractured ribs, bruises and abrasions to both hands, and right knee. She was placed in a brace and kept in the hospital for 17 days. The offender was convicted under section 344 CCC and was sentenced to six months concurrent. **(pain and suffering and emotional trauma $1,800.00) Award $1,850.00**

2230/89 The applicant, a 23 year old female, was attacked by her female roommate who was wielding a broken vase. The applicant suffered from glass fragments in the left eye, bruising and swelling to eye area, facial lacerations to the forehead, brow, cheek and left inner corner of the eye, with hair loss on the right side of her scalp. The offender was charged under section 267(1)(b)CCC. **(pain and suffering $1,200.00) Award $1,470.00**

2248/90 The applicant, a 23 year old male, was struck in the eye area by a male wielding a metal bar. The applicant suffered from a blowout fracture of the right orbit with a ruptured right globe. The eye was enucleated and later replaced with a prothesis. The offender was convicted under section 267.1(a) and was sentenced to 15 months in jail. **(pain and suffering $5,000.00) Award $5,104.70**

2257/89 The applicant, a 29 years old peace officer, was attacked by a pitbull while delivering a subpoena. When the applicant tried to escape, he fell over a short fence causing a moderate-severe lumbar sprain. The applicant required chiropractic treatments. The Board deemed the incident to qualify under section 221 CCC. **(pain and suffering and emotional trauma $1,000.00) Award 1,094.00**

2267/90 The applicant, a 25 year old male, was shot in the left flank in a licensed beverage room washroom. The applicant underwent a laparotomy where it was discovered that he had six perforations in his small bowel. These lacerations were repaired and he was discharged from the hospital six days later. The offender was charged under section 239. **(pain and suffering $1,800.00) Award $3,808.00**

2299/89 The applicant, a 23 year old female, was struck by a male driving a quad runner. She suffered from a fracture to the left pubic ramus, extensive fractures to the left iliac crest with separation of the bone fragments and multiple bruises. The applicant underwent surgery to repair the fractures and was placed in traction for six weeks. The offender was convicted under section 204 CCC and was sentenced to nine months in jail. **(pain and suffering $3,000.00) Award $4,534.00.**

2312/89 The applicant, a 42 year old female, was assaulted by a female who barged into the applicant's office. The applicant apparently had an affair with the offender's estranged husband. The applicant suffered from swollen gums and a bruised forehead. Her dentures were also broken in this incident. The offender was convicted under section 266 CCC and received a conditional discharge and ordered to pay restitution in the amount of $388.00. **(pain and suffering $900.00) Award $1,474.14**

2327/89 The applicant, a 37 year old female, applied to the Board for death benefits as the result of the shooting death of her common-law husband. The applicant received benefits from Canada Pension. The offender was convicted under section 219 CCC and was sentenced to seven years in jail. The Board paid the balance of funeral expenses which amounted to $2,066.83 and placed $1,250.00 in trust with the Public Trustee for the deceased's son. **Award $3,837.33**